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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

KENNETH MARTIN KYLE,

Defendant.

CR 10-0245 JSW

**STIPULATION AND ~~PROPOSED~~
ORDER EXCLUDING TIME**

On April 5, 2010, the parties in this case appeared before the Court for identification of counsel and initial appearance on the indictment. The parties stipulated and the Court agreed that time should be excluded from the Speedy Trial Act calculations from April 5, 2010, through April 29, 2010, for effective preparation of defense counsel. The parties represented that granting the continuance would allow the reasonable time necessary for effective preparation of defense counsel, taking into account the exercise of due diligence. *See* 18 U.S.C. § 3161(h)(7)(B)(iv). The parties agreed that the ends of justice served by granting such a

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STIP. & ~~PROPOSED~~ ORDER EXCLUDING TIME
CASE NO. CR 10-0245 JSW

FILED

APR 28 2010

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

continuanace outweighed the best interests of the public and the defendant in a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A).

SO STIPULATED:

JOSEPH P. RUSSONIELLO
United States Attorney

/s/

DATED: April 28, 2010

OWEN P. MARTIKAN
Assistant United States Attorney

/s/

DATED: April 28, 2010

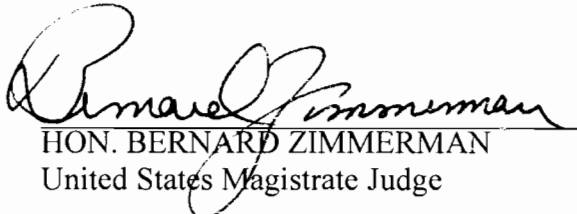
DAVID MICHAEL BIGELEISEN
Attorney for Kenneth Martin Kyle

[PROPOSED] ORDER

As the Court found on April 5, 2010, and for the reasons stated above, an exclusion of time from April 5, 2010, through April 29, 2010, is warranted because the ends of justice served by the continuance outweigh the best interests of the public and the defendant in a speedy trial. *See* 18 U.S.C. §3161 (h)(7)(A). The failure to grant the requested continuance would deny defense counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence, and would result in a miscarriage of justice. *See* 18 U.S.C. §3161(h)(7)(B)(iv).

SO ORDERED.

DATED: 28 April '10


HON. BERNARD ZIMMERMAN
United States Magistrate Judge